



At this point, Mr. Manuel came forward and said he is recusing himself from this matter as he lives on Long Ridge Rd. Chairman Finaldi said since there are no other alternates present this evening, they will just go forward with three members.

Attorney Lee Hoffman said this is an attempt at resolution in order to come to an agreement. He thanked the Commission for giving them the additional time to prepare answers to questions. He said both parties have worked together over past 10 months and there has been give and take between the towns to try to resolve this. Bethel was not required to provide alternate sites, although they were considered during the mediation time. Bethel demonstrated to Danbury that they would do certain things. Danbury insisted on the 13 page stipulation. There were limited options available as to where to place the tank. The reason he is saying this is because you cannot force water to do what you want. Danbury has water stored in Bethel. And Bethel has a need that has to be serviced and there are only few locations where these tanks can be located.

Andrew Morosky, Bethel Town Engineer and Director of Public Works, said there were other sites they looked at but none could provide the required elevation. He said he would try to provide answers to all the questions that came up at the previous meeting. The Hickok Ave. tank is out of service because it is too low and too close to the Maple Ave. wells. He added that the Hickok tank can only provide coverage to specific areas in Bethel because it is not at a greater elevation. He said the proposed location on Long Ridge Rd. can serve the entire town of Bethel. This location will maximize the pressure which is what is required for this to work. He said the edge of the proposed tank is 84 ft. from the edge of the road and 70 ft. from the property line. It also is within the required setback distances. He said water is currently being pumped and treated at this plant. Any excess water is pumped to Eureka, so they can be on standby in case the Maple Ave. sources are lost. He said they could put in a third water main but it is not necessary. If they increase the diameter in an effort to decrease the height, the footprint will be larger which will bring it closer to the road. The plan is to excavate the site for the construction of the tank and then bring in soil to berm it. He said the use of a temporary construction road will provide stable access with less slope than the actual road. A permanent roadway will be built once the tank is completed, but it will not extend right up to the tank because the tank will be buried as much as possible. The permanent road cannot be used for construction because it will be at a greater slope than the construction road. He said the plants that were chosen to create the screening are year round plants and readily available. This is important because they will get only partial sun during the summer, but full sun during the winter months. He said if the tank is buried any deeper than proposed, it will affect the water table. It cannot be located beyond the ridge because the excavation would disturb a greater area. Both of the other choices would require a much larger disturbance of the soil and would have a greater impact on the environment including possibly the adjacent wells and septic. He said they did try to find other locations but they were not feasible for both technical and environmental reasons. He said even in the 1975 Water Supply Plan for the Town of Bethel, they were proposing to locate a tank on this site. It was to be constructed in 1997-1998, but they could not get the funding. This project has been on the books for over 15 years. A copy of this report was submitted with the original application. He added that after the denial, Danbury's Engineering Dept. suggested alternate locations, but the original proposal has been determined as being best for Bethel's needs and purposes. He referred to the USGS topography map to show why Danbury stores its water in Bethel. It is about the height, a certain height is necessary to get the hydraulics. And that is what Bethel is trying to do with this location. Last year they had an expert witness address the concern about where the water would go if the tank failed. He added that evidence was presented that these tanks are not subject to catastrophic failure. It is not a case of them failing and water going everywhere, it does not work that way. He said one site in Bethel was considered but did not have the necessary height. The A or B choices they have shown could have a traumatic impact on the neighbor's wells, septic and the overall environment. He said they performed extensive engineering evaluations to determine the best location. And after Danbury suggested two sites, they tested both of them and found them not

feasible. Then Danbury hired an outside engineer to review these two sites and the opinion was the same. In closing, he asked that the Commission vote in favor of the stipulation.

Chairman Finaldi said before he calls for the opposition, he just wants to repeat one point. This previous meeting was videotaped and recorded, so all of the things that were said are part of the public record. This meeting is being tape recorded so everything that is said will also be part of the public record, so there is not reason to repeat what has been previously said. He thanked everyone for their patience and asked if there was anyone to speak in opposition to this matter.

Michael Cunningham, 101 West Redding Rd., said he has been running for over 20 yrs and has been on foot on Long Ridge Rd. over one hundred times. He said he is opposed to this.

Emil Curran, 44 Long Ridge Rd. said he also owns the adjacent site to the subject parcel. He said he had spoken last year. This may be the best site and optimum, but that is for the Town of Bethel, not for the residents of Long Ridge Rd. He said he has lived here his entire life and has walked all of these properties. He added that if there was a flood from this tank, many people could suffer. It is wrong to put it here based on the Town of Bethel's convenience and cost.

Elise Marciano 179 Long Ridge Rd., said she has a problem with both the construction time and the access to the construction site. It is going to impact the traffic on this road which is already in bad shape. She asked that they reconsider entering through the site so there will be minimum construction between road and tank. Also, instead of putting mugo pines in, why don't they just dig up trees in forest and replant them. That would look more natural than their plan.

Jim Miller, 26 Long Ridge Rd., said there is no guarantee that this would not affect residential wells

Robert Casperson,, 24 Long Ridge Rd., said he has the same concern about wells. Also this road is beautiful and it's not fair to Danbury residents. He is against the whole thing.

Walter Isaacs, 28 Long Ridge Rd., has been here for 30 years. Asked what is the definition of optimum cost factor and why don't they move it back 100 ft. because sitting near the road devalues his property. He said he cannot support the construction of something for another town. He said he did not know about tanks for the Toll Brothers site because they are well hidden, unlike this one.

Elio Ferreira, 18 Long Ridge Rd., said he objects to this project. He understands they have a need, but last year this Commission denied this same plan. When he examined these revised plans, all he saw was a simple window dressing. This is going to be an eyesore to the people who live on Long Ridge Rd. He said he disagrees with what Mr. Morosky says about how much of the tank will be exposed above the berm. All they are doing is pushing dirt against the sides of it when if they looked at other locations, they could satisfy everyone. He said Bethel should take another look and see if they can bury it a few feet deeper into the slope.

Chairman Finaldi said the applicant has offered extensive testimony about the proposed locations for tank. Actually they have offered it several times this evening.

Ray Prezioso, 102 Long Ridge Rd., lived there for 27 years. He asked if this tank is just for storage, why cant it be built anywhere else. He added that the Town of Bethel does not respond to complaints or inquiries and they don't maintain this site now.

Jay Weiner, 150 Long Ridge Rd., said this proposal represents a desecration of a rather pristine area and asked that they reconsider it.

Noel Roy, 155 Long Ridge Rd., said this would be a desecration. Number two, the Mayor told a group that this stipulation was not fully agreed to by the City of Danbury. We told them what they wanted and they told us what they would do. He suggested the Commission just let them go to DPUC, as it will take a long time and they will spend a lot of money.

Steven Szurlej, 14 Long Ridge Rd., said this is about power and money. The Town of Bethel has more than he does and they believe they don't have to obey zoning laws. If he was the applicant this would be denied. He suggested the Commission not confuse need with want or feasibility versus expense. They do not need to put it there, they want to put it there. He said there is no reason why they can't put it somewhere else. They have shown no genuine willingness to look at other sites. The proposed berm and landscaping are just not natural.

Stephen Jordan, 16 Long Ridge Rd., which is directly across from the Bethel reservoir. He said his property is the closest to the street and he wonders if Bethel will reimburse him for damages to his property and his well. His concern is that water will flow onto his property. He already has too much water in his basement. He said even when the gate is locked, people go in and fish there. He added that more disturbances will occur which will affect the whole neighborhood.

Fred Visconti, 31 Mountainville Ave. , said he cannot add much to what has already been said. One thing is that they need to tell us why it cannot be moved back 10-15 ft. so it can't be seen from the road. He urged the Commission to make a wise decision after a lot of thought.

Chairman Finaldi offered Attorney Hoffman the chance to rebut the opposition's comments.

Attorney Hoffman said he would like to make some clarifications and answer one question that came up. He said there was some talk about the potential well berm. Mr. Morosky said the only way any well damage could occur is if they have to use one of the alternate locations. If they were to use an alternate site, they would have to dig to put in the tank. This would result in a bigger area of impact. Holes require 2 to 1 slope, always wider than deep, that is why circles show bigger on plan. Even if the tank is pushed back 50 ft., they will have to dig down into hill, and that is when there could be a possible impact to the wells. This is not a concern if they are able to put it on the land as it is being proposed. Mr. Morosky added that if they have to dig, there would be blasting, but the proposed location would not require blasting.

Mr. Urice said he has heard what everyone has to say and is making a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously

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At 8:40 PM, Chairman Finaldi called a five minute recess to allow the Chambers to be cleared. He called the meeting back to order at 8:45 PM. Mr. Manuel returned to the meeting at this time.

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PUBLIC HEARING:

8:00 PM – Randolph General Properties – Application for Special Exception to allow Medical Office in Existing Building in the IL-40 Zone – 41 Kenosia Ave. (#E17067) – SE #701.

Chairman Finaldi read the legal notice. Anthony Benivegna, the property owner, said they are asking to convert 900 sq.ft. of office space to medical use. They are required to provide 48 regular and 3 handicapped spaces for the uses in this building. They have 58 regular and 3 handicapped on the site so they will still be able to meet the parking requirement. They are only here because since the

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Plumpar LLC – Application for Special Exception for Warehouse/Storage of Construction Equipment in addition to previously approved uses in the IG-80 Zone – 25 Plumtrees Rd. (#M12014) – SE #698. Public hearing opened 7/27/10 – 35 days will be up 8/30/10.

Ben Doto, the engineer for this project asked to table this matter until the next meeting. He said he still needs to make revisions to the plans. Ms. Hoffstaetter made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

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NEW BUSINESS:

First Congregational Church – Application for Special Exception to allow Wireless Telecommunications Facility in the RH-3 Zone – 162 Deer Hill Ave. (#14104) – SE #704 Public hearing scheduled for 8/18/10.

Chairman Finaldi said this application would be on file in the Planning & Zoning Office.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

28 Division St. LLC –Application for Special Exception for Housing Incentive Option/Affordable Housing Application (“White House Commons”) in the RMF-4 Zone – 28 Division St. (#H15277) – SE 696. Public hearing closed 7/27/10 – 65 days to make decision will be up 9/29/10.

Mr. Urice made a motion to table this matter until the next meeting. Mr. Manuel seconded the motion and it was passed unanimously.

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OTHER MATTERS

Randolph General Properties – Application for Special Exception to allow Medical Office in Existing Building in the IL-40 Zone – 41 Kenosia Ave. (#E17067) – SE #701.

Mrs. Emminger asked the Commission members for their comments on this application. Chairman Finaldi said they are more than meeting the parking requirements for the building. He added that they are only here because medical office is now a Special Exception; otherwise it would just be a minor site plan revision. Mr. Urice said evidence was presented that this will not have a negative impact on the trip generation. Ms. Hoffstaetter said it seems like this is pretty straightforward, so there really is nothing that was not addressed. Mrs. Emminger said she would prepare a resolution for them to vote on at the next meeting.

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Ms. Hoffstaetter made a motion to add a letter from Attorney Neil Marcus as the second item under Other Matters. Mr. Manuel seconded the motion and it was passed unanimously. Mrs. Emminger said that this letter was a request for an extension on the time period for the filing of the mylar for the Wooster School subdivision. The time frame to file the mylar is expiring and it has not yet been signed by the Chairman. Mrs. Emminger explained she has been working with the Airport Administrator to ensure that all of the notes and avigation easements are depicted correctly on the

mylar. It was part of the approval that this would be complete before the mylar was signed. Ms. Hoffstaetter made a motion to grant this extension as requested. Mr. Urice seconded the motion and it was passed unanimously.

There were no referrals and nothing under Correspondence. And listed under For Reference Only were six applications for Floodplain Permits and public hearings scheduled for August 18, 2010 and September 1, 2010.

At 9:30 PM, Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.